



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: November 12, 2019

Agenda Item: Madison River Recreation Petition from Madison River Foundation

Action Needed: Proposal

Time Needed on Agenda for this Presentation: 15 minutes

Background: The Madison River Foundation submitted a petition to the Commission for rulemaking related to river recreation on the Madison River. The substance of the petition is the same as from the petition submitted by the George Grant Trout Unlimited, Skyline Sportsmen Association, Anaconda Sportsmen Association, and Public Lands Water Access Association. Both petitions request the Commission to initiate rulemaking based on the increasing use of the river and the potential for negative impacts to the fishery. Both petitions request the following actions:

- Capping the number of permits issued for commercial use;
- Creating non-commercial reaches year-round;
- Setting maximum daily-use limits for commercial outfitters;
- Prohibiting commercial use on the reach between Greycliff FAS and the confluence with the Jefferson River;
- Prohibiting the use of a vessel or float tube to gain access to fishing in the wade-only reaches;
- Establishing a primitive designation for the reach from Greycliff FAS to the confluence with the Jefferson;
- Prohibiting the use of glass containers from Quake Lake to the confluence with the Jefferson.

Public Involvement Process & Results: The petitioned rule language is the same language that the Department recommended to the Commission in April 2018. At that time the Department recommended the Commission propose the rule language. The Commission did not approve the Department's recommended rule language and instead the Commission directed the Department to develop an alternative which resulted in a negotiated rulemaking process which did not lead to the development of rules. Public comment on the Department's recommended language was received at the April 2018 Commission meeting; however, proposed rule language for river recreation on the Madison has never been officially published in the Montana Register for public comment.

The Commission will take public comment at the meeting. If the Commission opts to initiate rulemaking, the public will have the opportunity to provide comments after the proposed rule language is published in the Montana Register.

Alternatives & Analysis: Pursuant to 2-4-315, MCA, the Commission must either deny the petition or initiate rulemaking on the petition. If the Commission chooses to propose rule language other than what is contained in the petition, the Commission must deny the petition and then propose rule language.

Agency Recommendation & Rationale: The Department recommends the Commission propose rule language regarding management of recreational use on the Madison River for public comment, whether based on this petition or not.

Proposed Motion: I move the Commission [**DENY or INITIATE RULEMAKING**] on the petition submitted by the Madison River Foundation.